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July 24, 2023

Via ECF

The Honorable Jennifer E. Willis, U.S.M.J.
United States District Court
Southern District of New York
500 Pearl Street, Room 701
New York, New York 10007

Re: *Charles v. Pinnacle Too, LLC et al*
Case No. 1: 22-cv-04232 (JMF)(JEW)

Dear Judge Willis:

This office represents Plaintiff in the above-referenced matter. We write jointly with counsel for Defendants Pinnacle Too, LLC, AGIR Electrical, LTD and Antony Girona (the "Pinnacle Defendants") and Defendants FrankCrum 6, Inc. and Frank Crum, Jr. (the "Frank Crum Defendants") (collectively, the "Parties") to provide an update on the status of Defendants' production and deposition scheduling, pursuant to Your Honor's Order, dated July 14, 2023 [Dkt. No. 67].

Your Honor's Order, stated the following:

1. By Monday, July 14, 2023, Defendants will give the Plaintiff contact information for the unrepresented former employees.
2. Defendants agreed to provide wage statements and punch-out records for the opt-in Plaintiffs by Friday, July 21, 2023.
3. The Parties shall file a joint letter to the Court by Friday, July 21st, confirming the production of the requested documents and detailing an agreed-upon schedule for depositions.

1. Contact information of unrepresented former employees:

As of the date of this status update, the Pinnacle Defendants provided contact information for all witnesses they do not represent. During the parties' meet and confer earlier this week, Plaintiff inquired about the last known contact information of an additional non-party witness, Michael O'Brian. The Pinnacle Defendants advised that Mr. O'Brian was not employed by them. The Parties will update the Court by Friday, July 28, 2023, regarding the status of this information.

2. Wage statements and punch-out records:

On Friday, July 21, 2023, the Pinnacle Defendants produced supplemental documents, Bates numbered “AGIR00004591 – AGIR000010716.” This production consisted of time records. Today, July 24, 2023, the Frank Crum Defendants produced supplemental documents, Bates numbered “FrankCrum6_00000290 – FrankCrum6_00001002.” This production consisted of payroll summaries.

Plaintiff believes that the type of wage documents that Defendants produced for the opt-in Plaintiffs is different from the type of wage documents that Defendants produced for Plaintiff. Additionally, Plaintiff believes there are other deficiencies. Plaintiff is still reviewing this production. The Parties will meet and confer regarding any alleged deficiencies and will update the Court on Friday, July 28, 2023.

3. Depositions:

The Parties have agreed to deposition scheduling for most of the witnesses and are still confirming dates for: (i) Ryan Walsh; and (ii) Plaintiff Dexlon Charles. The Pinnacle Defendants provided the availability of Ryan Walsh, however, Plaintiff is unavailable on the date proposed. The Pinnacle Defendants will confer with Mr. Walsh about alternate deposition dates. Plaintiff will provide deposition dates for Plaintiff’s deposition by July 26, 2023. The Parties will update the Court by Friday, July 28, 2023, to inform Your Honor whether all depositions have been scheduled.

We thank the Court for Its attention to this matter.

Respectfully submitted,

/s/ C.K. Lee
C.K. Lee, Esq.

cc: all parties via ECF